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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,509	04/11/2001	Odie Kenneth Carter	31474	2485

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EXAMINER

MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/832,509

Applicant(s)

CARTER, ODIE KENNETH

Examiner

Steven B. McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

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## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 1-9, 13 and 14, drawn to a method of constructing a cash drawer, classified in class 705, subclass 16.
- II. Claims 10-12, drawn to a method of reconciling a cash drawer, classified in class 705, subclass 16.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a method of constructing a cash drawer where only one drawer is available. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Thomas Luebbering on 2/12/2004 a provisional election was made without traverse to prosecute the invention of I, claims 1-9, 13 and 14. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP404088496 in view of Biss (5,756,977).

'496 shows maintaining an inventory of loose coins in an auxiliary drawer; removing an amount of the loose coins from the inventory and placing them in the cash drawer to replenish. It does not explicitly show determining the value of the loose coins in the inventory; storing that value in a computer; determining a value of the coins taken from the inventory; or storing an updating value of the inventory. Biss shows an apparatus which determines the value of loose coins stored therein; and stores the value; determines the value of coins removed from it; and stores the updated value of coins stored. It would have been obvious to one of ordinary skill in the art to modify the method of '496 by using the drawers of Biss in cash drawer and auxiliary drawer in order to maintain an accurate count of the coins in each without tedious hand counting.

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As to claim 2, in storing the updated value of coins in the cash drawer and the auxiliary drawer, '496 in view of Biss inherently stores the value of the loose coins removed from inventory.

As to claim 3, it is noted that the source of the coins does not serve as a limit on the method. In order to speed prosecution, it is noted that '496 in view of Biss show all elements but the source of the coins. However, it is notoriously old and well known in the art to use coins removed from cash register drawers. It would have been obvious to one of ordinary skill in the art to do so in order to take advantage of coins already at hand.

As to claims 4 and 6, it is noted that the value is determined by weighing.

As to claims 5 and 7, it is noted the step of sorting is included in determining the value since the coins are sorted by denomination in the bins.

As to claim 8, it is noted that several denominations of loose coins are shown.

Claims 9, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over '496 in view of Biss as applied to claim 1 above, and further in view of Coulter et al (5,954,576).

'496 in view of Biss shows all elements except storing a target value of loose coins; and prompting an operator to place an amount of loose coins in the cash drawer. Coulter et al show storing a target value and prompting an operator to place an amount of loose coins in the bin when the value sinks too far. It would have been obvious to one of ordinary skill in the art to further modify the

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method of '496 by storing a target value and prompting the operator in order to provide for preemptive fillings, avoiding running out of coins.

As to claim 13, it is noted that the apparatus of '496 in view of Biss and Coulter et al inherently contain software performing the recited actions, since the apparatus, driven by software, performs those functions.

As to claim 14, it is noted that the source of the coins does not serve as a limit on the method. In order to speed prosecution, it is noted that '496 in view of Biss show all elements but the source of the coins. However, it is notoriously old and well known in the art to use coins removed from cash register drawers. It would have been obvious to one of ordinary skill in the art to do so in order to take advantage of coins already at hand.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Steven B. McAllister